

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Andre D. Washington,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:18cv709
vs.	:	
	:	Judge Susan J. Dlott
Warden, North Central Correctional Inst.,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on July 16, 2019 (Doc. 23), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired July 30, 2019, hereby ADOPTS said Report and Recommendation.

Accordingly, petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 (Doc. 1) is DENIED with prejudice.

In light of this, respondent's motion to dismiss (Doc. 11) is DENIED as moot.

Petitioner's motion for a stay (Doc. 6) and motion to amend (Doc. 13) are DENIED.

A certificate of appealability will not issue with respect to any of the claims for relief alleged in the petition, which this Court has concluded are non-cognizable or barred from review on a procedural ground, because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), "jurists of reason" will not find it debatable whether the Court is correct in its procedural ruling.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the

Court will certify pursuant to 28 U.S.C. 1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in “good faith,”, therefore DENYING petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court